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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,093	02/17/2004	Bernard Auyang	011398.00005	4773

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EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary	Application No.	Applicant(s)	
	10/782,093	AUYANG ET AL.	
	Examiner	Art Unit	
	Vernal U Brown	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application of Auyang Bernard for Alarm Clock Radio filed 2/17/2004 has been examined. Claims 1-16 are pending.

Specification

The abstract of the disclosure is objected to because it includes improper language such as "The present invention". See MPEP 08.01(b). The phrase "The present invention " is implied and should be avoided. Correction is required. See MPEP § 608.01(b).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent 6714136.

Regarding claims 1 and 6, Auyang et al. (U.S Patent 6714136) in claims 1-4, claimed an alarm clock remote control system, comprising: alarm clock circuitry including: a microprocessor, coupled to alarm clock activation circuitry, remote IR diode driving circuitry, an

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internal buzzer, an alarm, a display, and a plurality of input ports and output ports, for providing central control; the display, coupled to the microprocessor, for displaying at least one of: a current time and an alarm time; a speaker, coupled to the microprocessor, an AM/FM radio unit, the internal buzzer, and the alarm, for outputting selected audio; an AM/FM radio tuner; and clock setup circuitry, alarm setup and activation circuitry coupled to the microprocessor for setting the clock, setting the alarm, and activating at least one remote device; and a programmable universal infrared remote device control, coupled to the alarm clock circuitry, for remote programming the at least one remote device, and having activation circuitry for activating the at least one remote device.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are generally broader than the claims in the patent. Broader claims in a latter application constitute obvious double patenting of narrow claims in an issued patent. See *In re Van Ornum and Stang*, 214, USPQ 761, 766, and 767 (CCPA) (the court sustained an obvious double patenting rejection of generic claims in a continuation application over narrower species claims in an issued patent); *In re Vogel*, 164 USPQ 619, 622, and 623 (CCPA 1970) (generic application claim specifying “meat” is obvious double patenting of narrow patent specifying “pork”).

Claim 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6714136. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claim 11, Claims 1 and 3 of U.S. Patent No. 6714136 claimed a remote control alarm system, comprising: a microprocessor coupled to alarm activation circuitry, an alarm, a

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display, and a plurality of input ports and output ports, for providing central control; the display, coupled to the microprocessor, for displaying at least one of: a current time and an alarm time; a speaker, coupled to the microprocessor, for outputting selected audio. Auyang et al. (U.S. Patent No. 6714136) is however silent on claiming a remote controller alarm triggering unit and the alarm setup and activation circuitry coupled to the remote controller alarm triggering unit for setting the alarm. One skilled in the art recognizes that the clock setup circuitry, alarm setup and activation circuitry coupled to the microprocessor as claimed in claim 1 is the functional equivalent to alarm triggering unit and the alarm setup and activation circuitry as claimed.

It would have been obvious to of ordinary skill in the art to have a remote controller alarm triggering unit and the alarm setup and activation circuitry coupled to the remote controller in Auyang et al. (U.S. Patent No. 6714136) because Auyang et al. (U.S. Patent No. 6714136) claimed a remote control alarm system having clock setup circuitry, alarm setup and activation circuitry coupled to the microprocessor which is the functional equivalent to alarm triggering unit and the alarm setup and activation circuitry as claimed.

Claims 2, 5, and 12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1⁴ of U.S. Patent 6714136 in view of Kutosky U.S Patent 5995455.

Regarding claims 2, 7, and 12, Claims 1-4 of U.S Patent 6714136 claimed an alarm clock remote control but is silent on claiming the display is one of a light emitting diode and a LCD screen. Kutosky in an art related Alarm clock device teaches an alarm clock with a LCD display and also teaches a light emitting diode display is also suitable for the alarm clock (col. 6 lines 50-

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54) and one skilled in the art recognize that LCD and LED displays are conventionally used on an alarm clock.

It would have been obvious to one of ordinary skill in the art to have a LCD or light emitting diode display in an alarm clock in U.S Patent 6714136 as evidenced by Evans because U.S Patent 6714136 claimed an alarm clock remote control and Kutosky teaches an alarm clock with a LCD display and also teaches a light emitting diode display is also suitable for the alarm clock and one skilled in the art recognize that LCD and LED displays are conventionally used on an alarm clock.

Regarding claims 5 and 10, Claim 1 of U.S Patent 6714136 claimed an alarm clock remote control but is silent on claiming the selected audio a buzzer output. Kutosky in an art related Alarm clock device teaches the audio is a buzzer output (col. 5 lines 12-14).

It would have been obvious to one of ordinary skill in the art have a buzzer output as the alarm signal in U.S Patent 6714136 as evidenced by Kutosky because U.S Patent 6714136 claimed an alarm clock and Kutosky teaches an alarm clock which has a buzzer output as the alarm signal and one skilled in the art recognizes that a buzzer output is a conventional alarm signal outputted from an alarm clock.

Claims 3-4, 8-9, and 13-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1^u of U.S. Patent 6714136 in view of Hayes et al. U.S Patent 6223348.

Regarding claims 3-4, 8-9, and 13-15, Claims 1-4 of U.S Patent 6714136 claimed an alarm clock remote control but is silent on claiming the remote device is one of a plurality of

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remote devices controllable by the alarm clock remote control system and the plurality of remote devices includes at least one of: a television. Hayes et al. in an art related universal remote control system teaches a remote used for controlling a plurality of remote devices including a television (col. 5 lines 18-31) so as to eliminate the need to have a remote control for each remote device.

It would have been obvious to one of ordinary skill in the art to claim a plurality of remote devices controllable by the alarm clock remote control system and the plurality of remote devices includes at least one of a television in U.S Patent 6714136 as evidenced by Hayes et al. because U.S Patent 6714136 claimed an alarm clock remote control and Hayes teaches a remote used for controlling a plurality of remote devices including a television so as to eliminate the need to have a remote control for each remote device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-6:30 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
October 30, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

